North Central Regional Transit District (NCRTD)

Resolution 2012-09

ADOPTING A RIDER SUSPENSION POLICY

WHEREAS, The NCRTD is committed to providing safe, quality public transportation to its passengers and a safe working environment for its employees; and

WHEREAS, the NCRTD recognizes there are times when a transit customer's behavior disrupts or endangers the health and safety of its employees or a member of the public; and

WHEREAS, the Board has the authority and responsibility to provide guidance for NCRTD personnel when considering whether to suspend remove or refuse transit service to passengers who engage in various forms of disruptive conduct; and

WHEREAS, the GOALS of this policy will be to: 1) ensure the safety of passengers and NCRTD employees; 2) protect public transportation vehicles and facilities; 3) facilitate the proper assistance needed for problematic individuals to the extent feasible and safe; 4) continue to provide courteous and consistent transportation; and

WHEREAS, The Executive Director will promulgate and issue administrative and operational procedures for the implementation of the Rider Suspension Policy;

NOW THEREFORE BE IT RESOLVED THAT the North Central Regional Transit District Board adopts the Rider Suspension Policy dated May 4, 2011as attached hereto.

PASSED, APPROVED, AND ADOPTED BY THE GOVERNING BODY OF THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT ON THIS 1st DAY OF JUNE, 2012.

Daniel Barrone, Chairman

Approved as to form:

Peter Dwyer, Counsel

NCRTD
RIDER SUSPENSION POLICY

1.0 Purpose:

The North Central Regional Transit District (NCRTD) is committed to providing quality public transportation for passengers and a safe working environment for employees. There are times when a transit customer's behavior disrupts or endangers the health and safety of its employees or members of the public. The purpose of this policy is to provide guidance for NCRTD personnel when considering whether to suspend, remove, or refuse transit service to passengers who engage in various forms of disruptive conduct. The Executive Director may promulgate and issue administrative and operational procedures for the implementation of this policy. The terms rider, passenger and customer are variously used to describe persons who are not employees of the NCRTD that may have occasion to use NCRTD vehicles, property or services.

2.0 Goals:

The goals of this Rider Suspension Policy are in the following order of importance:

- To ensure the safety of passengers and transit system employees;
- To protect public transportation vehicles and facilities;
- To facilitate the proper assistance needed for problematic individuals to the extent feasible and safe;
- To continue to provide courteous and consistent transportation.

3.0 Criteria for Denial of Service and/or Removal from Vehicle or Tranist Facilities:

The following conduct will subject a NCRTD customer or facilities user to denial of service and/or removal from a coach and/or transit facility:

3.1. Verbal or physical abuse of NCRTD employees or customers.
3.2. Destroying, defacing, stealing, or otherwise damaging property of NCRTD.
3.3. Behavior which presents a danger to the health or safety of the offending customer, other customers, or a NCRTD employee. Such behavior includes conduct which is violent, seriously disruptive, or illegal.
3.4. Urinating, defecating, vomiting, spitting, expectorating or any other inappropriate discharge of bodily fluids on transit vehicles or property.
3.5. Failure to observe posted "On-Board NCRTD Rules of The Road". On-Board Rules of the Road include: No smoking, no unruly or disrespectful behavior, including profanity, no eating, no alcoholic beverages (non-alcoholic beverages OK if covered by a lid or top), limited use of all electronic devices (including cell phones) so as to not disturb other riders or the NCRTD Operator, and no flammable items on board or on the bike rack.
3.6. Soliciting, advertising, selling or distributing goods or services, except as authorized by NCRTD or its agents.
3.7. Sexually harassing any NCRTD employee or customer.
3.8. Indecent exposure or sexually explicit activity on NCRTD vehicles or property

3.9. Demonstrated pattern of no-shows on the NCRTD Para transit system. The "No Show Policy" under the Americans with Disabilities Act of 1990" outlines separate procedures covering these specific actions.

3.10. Inability to care for oneself, including temporary inability due to illness or intoxication (alcohol, drugs, or other intoxicating substances), resulting in disruptive behavior which interferes with the safe and uninterrupted operation of the system. Such customers may be reseated, refused service, or removed from NCRTD vehicles or facilities at the discretion of NCRTD.

3.11. Smoking or carrying a lighted or smoldering pipe, cigar, cigarette, onto a vehicle or using any tobacco products on NCRTD properties not designated as tobacco use areas.

3.12. Discarding litter other than in designated receptacles.

3.13. Playing any radio, recorder, or other sound-producing equipment that does not limit sound to individual listener or interferes with communication devices by NCRTD employees or public safety officers in the line of duty; or, the use of private communication devices such as pagers or portable telephones in a similarly interfering manner.

3.14. Carrying any flammable liquid, explosive, acid or other article or material likely to cause harm to others. Persons are permitted to carry cigarette lighters or firearms and ammunition in a way that is not otherwise prohibited by law.

3.15. Intentionally obstructing or impeding the flow of transit vehicles or passenger traffic; hindering or preventing access to transit vehicles or stations; or unlawfully interfering with the provision or use of public transportation services.

3.16. Intentionally disturbing others by engaging in loud, raucous, unruly, or harassing behavior that is harmful and/or intimidating to others.

3.17. Carrying any open container of alcohol, or controlled substances without a proper prescription.

3.18. Brandishing guns, knives, or other devices that are weapons or apparently capable of use as weapons.

3.19. Engaging in other conduct that is inconsistent with the intended use and purpose of the transit facility, transit stations, or transit vehicle and refusing to obey the lawful commands of an agent of the transit authority or a peace officer to cease such conduct.

3.20. Any other conduct that is prohibited by any law or any policy of the NCRTD.

4.0 Suspension of Adults:

Suspensions shall be proportionate to the severity of the conduct for which the suspension is issued. Depending on the nature and/or the severity of acts of misconduct such as vandalism, criminal activity, passenger disputes, or threats of bodily harm to the operator or passengers, NCRTD staff and management may suspended bus service for

offenders at such times and to such an extent as they deem necessary to achieve the purposes set forth in this policy. Suspensions generally shall be grouped into the following categories although the Executive Director of the NCRTD has authority to vary from these categories.

4.1 One (1) Day Suspension: In the case of a single incident where the actions have not occurred repeatedly and are not resolved through de-escalation attempts, NCRTD staff and management can suspend that passenger for 1 day or for the remainder of that day. Individual drivers and operators are hereby authorized to issue oral one day suspensions when, in their judgment, the terms of this policy are being violated and the severity of the violation warrants an immediate response. Drivers, operators and staff are encouraged to contact their supervisors prior to any and all suspensions but if they cannot reach a supervisor or believe there is a risk to public safety they may issue one-day suspensions without supervisory approval.

4.2 Six (6) Month Suspension: If a passenger's actions have occurred repeatedly and have not been resolved through de-escalation attempts, and/or law enforcement has attempted to aid in these attempts to no avail, NCRTD Transit Operation Manager may elect to suspend that passenger for up to 6 months. When that occurs, NCRTD management will notify the individual in writing of the suspension, including the term of the suspension, and the process for appeal. NCRTD shall document the reasons for the suspension, the attempts to resolve the matter prior to suspension, and the length of time of suspension. NCRTD shall make such records available to the person suspended to the extent that such records are not confidential.

4.3 Indefinite Suspension: The NCRTD reserves the right to suspend any passenger indefinitely if, in the NCRTD's judgment, the passenger poses a risk of injury to themselves, the public or NCRTD employees. Such suspensions shall only be made by the Executive Director. Generally, if the passenger's actions have not been resolved through de-escalation attempts, and/or have resulted in bodily harm to an operator or passenger, and/or law enforcement has made an arrest for the violation, the Executive Director may suspend that passenger indefinitely. The NCRTD shall notify the individual in writing of any such suspension in the same manner as prescribed above in section 4.2.

4.4 Temporary Suspension during an Investigation: In cases where a passenger has made an allegation of misconduct or inappropriate actions by a transit operator(s), the NCRTD may temporarily suspend services to that passenger during the investigation. Temporary suspensions are for protection of the passenger as well as the public and shall be utilized to maintain the integrity of the NCRTD pending resolution of the investigation. Once an investigation is complete and appropriate steps have been taken to mitigate any such acts, the NCRTD shall lift the temporary suspension or impose a suspension pursuant to this policy...

5.0 Suspension of Minors:

Suspension of minors shall follow the same guidelines as adults. However, in the case of minors the NCRTD shall provide notice to parents or legal guardians to the best of its ability. .

6.0 Driver/Operator Enforcement of this Policy:

Refusing transportation to an individual or group of individuals at a bus stop or when attempting to board a bus, will be up to the judgment of the individual transit operator. However, it is incumbent upon the NCRTD management to ensure all transit operators are trained on this policy and the various steps/techniques in dealing with these types of individuals. Examples of extreme circumstances that justify refusing service include those individuals who pose a potential safety risk passengers without shoes or shirts, individuals who have soiled themselves and/or their clothing, or those who give the appearance of extreme intoxication.

6.1 Ejecting Passengers from Vehicles: Ejecting (removing) a passenger from the bus may be justified when disruptive actions occur while the bus is in motion. Eexamples include extreme annoyance to other passengers, threats of violence, loud profane language, and yelling, physical altercation or conduct as described in **3.0** above. If a passenger is removed from the bus, they should be left in an area that is safe and well lighted. Operators should not attempt to physically confront or forcibly remove passengers and if such steps are required the operator should contact a supervisor, or a law enforcement officer rather than attempting to physically remove the passenger. Drivers shall not eject or remove passengers from a moving vehicle and shall not compromise the health and safety of other passengers by making abrupt stops or disobeying any traffic law in order to eject a passenger.

6.2 Detaining Passengers: Detaining a disruptive passenger may be necessary in order to await supervisory or law enforcement assistance. This is defined as temporarily stopping the bus route, parking the bus in a safe location, with doors open and no physical contact with the individual(s) by transit personnel. Drivers shall not be required to stop their vehicle at locations other than those permitted or required on a route nor shall they be required or permitted to allow passengers to exit a moving vehicle at any time.

7.0 Appeal Process:

7.1 In the event that the NCRTD decides to suspend service to a passenger for a period of more than one day the NCRTD shall provide written notice to the passenger to the extent such notice is possible. Where written notice is not possible due to the lack of contact information the NCRTD shall attempt to provide such other notice, by phone, or direct contact as may be reasonably possible. The NCRTD is not responsible for investigating individual identities, locating the address information of persons refusing to provide this information or otherwise verifying the name, address and identity of riders. The Service Suspension Notice submitted to a suspended person shall also be used to notify riders of their right to appeal the decision to the Transit Operations Manager or his/her designee.

7.2 If the passenger requests an appeal hearing, the Appeal shall be held by the Transit Operations Manager or his/her designee as soon as practicable. The appeal hearing may be conducted in person or telephonically. Appellants shall be provided with access to any information or records of the NCRTD reasonably required to prosecute the appeal so long as the records are not confidential. The NCRTD shall allow the appellant to submit any written or oral testimony that appellant wishes to place in the record but

may limit the time allotted for a hearing to such time as the case warrants. The appellant shall have the burden of showing that the decision to suspend service was illegal, unwarranted, arbitrary or erroneous.

7.3 Following the appeal, the Transit Operations Manager or his/her designee shall render a decision as soon as practicable. The decision may be conveyed to the suspended person in writing or via phone depending of their accessibility.

7.4 The NCRTD will not provide service to the suspended person pending resolution of the Appeal.